

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

UNITED STATES)

2004 NOV -5 P 3:45

v.)

U.S. DISTRICT COURT
Case No. 03-CR-10401-RWZ

CHO, JING)

DEFENDANT JING CHO'S MOTION TO CONTINUE SENTENCING DATE

Now comes the Defendant, Jing Cho and moves to continue the date of the sentencing from November 17, 2004 to a date after December 2, 2004 or a date thereafter convenient to the Court. As grounds therefore, the Defendant states as follows:

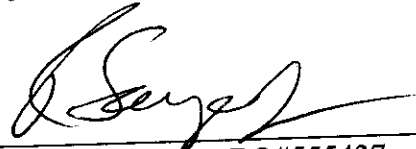
1. The defendant pleaded guilty to a one count Information in this case for False Bank Entry in violation of 18 U.S.C. § 1005;
2. In the Pre-Sentence Report, United States Probation Officer Sean Buckley identifies two sentence enhancements which significantly affects the sentence recommendation by the Probation Department;
3. Counsel has learned that the United States Supreme Court has heard arguments in two criminal cases and is expected to issue a decision in the near future which could greatly affect the constitutionality of the United States Sentencing Guidelines and sentencing in this matter;
4. In addition, the sentencing hearing of the primary target in this investigation, Kam Wai Chui, was postponed by the Honorable Nancy Gertner on November 1, 2004 to December 1, 2004. Chui is integrally more involved in this matter and the sentencing in

Chu's case could potentially serve as a base line for sentencing the remaining co-defendants, including Tony Cho.

WHEREFORE, the Defendant respectfully requests that the Court continue the sentencing in this case until December 2, 2004 or a date thereafter convenient to the Court so that the Court and the parties will have an opportunity to review the Supreme Court's anticipated decision regarding the constitutionality of the United States Sentencing Guidelines. The postponement could also allow Mr. Chu's sentencing to serve as a base line reference to assure parity in sentencing.

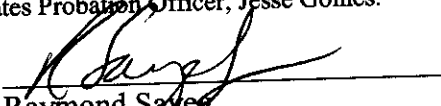
Respectfully submitted
JING CHO
By his Attorney

DATED: November 4, 2004


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617-742-1184

CERTIFICATE OF SERVICE

I, Raymond Sayeg, do hereby certify that on this 4 day of November, 2004 a true copy of the foregoing Joint Motion to Continue Sentencing Date was served by first class mail, postage prepaid upon counsel for the government, Jonathon F. Mitchell, United States Attorney's Office, One Courthouse Way, Suite 9200, Boston, MA 02210, as well as United States Probation Officer, Jesse Gomes.


Raymond Sayeg